

**Town of Carthage
Historic Preservation Commission**

Rules of Procedure

Adopted August 26, 2024

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Rules of Procedure

Section 1: Introduction

1.1. Purpose

To establish procedures for organizing the business of the Carthage Historic Preservation Commission, hereafter referred to as the Commission, in executing its duties and responsibilities.

1.2. General

The Commission shall be governed by the terms of the Carthage Unified Development Ordinance (UDO) and by the terms of NCGS Chapter 160D Article 3 and NCGS 160D, Article 9, Part 4 as they may be amended or revised. The Commission shall also be governed by these rules to the extent that they do not conflict with the law. For procedures not covered by these rules, the Commission shall follow the rules contained in Robert's Rules of Order, Revised, except that the legal requirements for Certificates of Appropriateness will supersede Robert's Rules.

Section 2: Officers

2.1. Chairperson

The Chairperson shall preside at all meetings and public hearings, make committee-level appointments, and decide all points of order and procedure subject to these rules unless directed otherwise by a majority of the Commission in session at that time. The Chairperson shall have the right to vote but shall not have the right to break a tie vote in which he or she participated. A tie vote shall be broken by the appointed Alternate Member to the HPC.

2.2. Vice Chairperson

The Vice Chairperson shall serve as acting Chairperson in the absence of the Chairperson and at such time have all the powers, duties and voting rights as the Chairperson.

2.3. Clerk to the Commission

A member of the administrative staff of the Town shall serve in the role of Clerk to the Commission to the Historic Preservation Commission. The Clerk, subject to the direction of the Chairperson and Commission, shall keep all records, shall conduct all correspondence of the Commission, and shall generally perform the clerical work of the Commission. The Clerk shall keep the minutes of every meeting of the Commission. The minutes shall show the record of all important facts pertaining to each meeting, every resolution acted upon by the Commission and all votes of the Commission members upon any recommendation, resolution or upon the final determination of any questions before the Commission, indicating the names of members absent or failing to vote. The Clerk to the Commission shall provide original copies of all records of the Commission to the Carthage Town Clerk for the purpose of records retention in accordance with North Carolina State Statutes.

2.4. Election of Officers

The Chairperson and Vice Chairperson shall be elected annually at the Commission's regular meeting in **<insert month>** of every year. The Chairperson and Vice Chairperson shall serve in these roles for a period of one (1) year and shall be eligible for re-election. A majority of members present shall be necessary to elect officers.

2.5. Vacancy

- a. A vacancy in the office of Chairperson shall be filled by the Vice Chairperson succeeding

- to the office for the balance of the unexpired term.
- b. A vacancy in the office of Vice Chairperson (including a vacancy due to 2.5(a) above) shall be filled by election of a Vice Chairperson from the Commission for the balance of the unexpired term.

Section 3: Meetings

3.1. Regular Meetings

Regular meetings of the Commission shall be held on the <insert day> of each month at _____ (am or pm) at the McDonald Building, located at 207 McReynolds Street, Carthage, NC 28327. The Clerk to the Commission shall bring to the Commission members at their November meeting a proposed Meeting Schedule for the coming year. The Commission shall vote upon this schedule at their November meeting.

3.2. Special, Emergency, Recessed and Remote Meetings

a. Special Meetings.

The Chairperson, Vice Chairperson, or any two members of the Commission may at any time call a special meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered and be delivered to the Town Clerk. At least forty-eight (48) hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) delivered to the Chairperson and each Commission member or left at his or her usual dwelling place; (2) posted on the Town's principal bulletin board; and (3) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk (also known as a "Sunshine" list). Only those items of business specified in the notice may be discussed or transacted at a special meeting called in this manner unless all members are present or have signed a written waiver of notice.

A special meeting may also be called or scheduled by vote of the Commission in open session during another duly called meeting. The motion or resolution called for scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight (48) hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on the Town's principal bulletin board and (2) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk (also known as a "Sunshine List"). Such notice shall also be mailed or delivered at least forty-eight (48) hours before the meeting to each board member not present at the meeting at which the special meeting was called or scheduled, and to the Chairperson if he or she was not present at that meeting.

Only those items of business specified in the notice may be discussed or transacted at a special meeting called in this manner unless all members are present or those not present have signed a written waiver of notice.

b. Emergency Meetings.

Emergency meetings of the Commission may be called only because of generally unexpected circumstances that require immediate consideration by the Commission. Only business connected with the emergency may be considered at an emergency meeting. One of the following two procedures must be followed to call an emergency meeting of the Commission:

1. The Chairperson, Vice Chairperson, or any two members of the Commission may at any time call an emergency meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the Town Clerk, Chairperson

and each board member or left at his/her usual dwelling place at least six hours before the meeting.

2. An emergency meeting may be held at any time when the Chairperson and all members of the Commission are present and consent thereto, or when those not present have signed a written waiver of notice, but only in either case if the Commission complies with the notice provisions of the next paragraph.

Notice of an emergency meeting under (1) or (2) shall be given to each newspaper, wire service, radio station, and television station that has filed a written emergency meeting notice request, which include the newspaper's, wire services, or station's telephone number, with the Town Clerk. This notice shall be given either by telephone or by the same method used to notify the mayor and the board members and shall be given at the expense of the party notified.

c. Recessed Meetings.

A properly called regular, special, or emergency meeting may be recessed to a time and place certain by a procedural motion made and adopted as provided in Rule 18, Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of a recessed session of a properly called regular, special, or emergency meeting.

d. Recessed Meetings.

Upon issuance of a declaration of emergency under G.S. 166A-19.20 and where the Town of Carthage is located, in whole or in part, within the Emergency Area, the Historic Preservation Commission may conduct remote meetings in accordance with G.S. 166A-19.24 and Article 33C of Chapter 143 of the General Statutes throughout the duration of that declaration of emergency.

“Remote meeting” shall be defined, for the purposes of these Rules, as an official meeting, or any part thereof, with between one and all of the members of the public body participating by conference telephone, conference video, or other electronic means.

“Simultaneous communication” shall be defined, for the purposes of these Rules, as any communication by conference telephone, conference video, or other electronic means.

Notice of remote meetings shall be given under G.S. 143-318.12 and under any applicable provisions of these Rules, the Code of Ordinances, or the Unified Development Ordinance. During all remote meetings, Commission members participating by simultaneous communication under this section shall be counted as present for quorum purposes only during the period while simultaneous communication is maintained for that member. Any Commission member participating by a method in which that member cannot be physically seen by the public body must identify himself or herself (1) when the roll is taken or the remote meeting is commenced; (2) prior to participating in the deliberations, including making motions, proposing amendments, and raising points of order; and (3) prior to voting.

All Commission members shall identify himself or herself prior to making or, when necessary, seconding a motion. All votes conducted during a remote meeting shall be conducted by roll call vote. No vote by secret or written ballots, whether by paper or electronic means or in accordance with G.S. 143-318.13(b), may be taken during the remote meeting. All remote meetings shall be simultaneously streamed live online so that simultaneous live audio, and video, if any, of such meeting is available to the public. If the remote meeting is conducted by

conference call, the public body may comply with this subdivision by providing the public with an opportunity to dial in or stream the audio live and listen to the remote meeting.

3.3 Quorum

A quorum shall consist of a majority of the members of the Commission. The number required for a quorum shall not be affected by vacancies. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members present shall be counted as present for the purpose of determining whether or not a quorum is present.

3.4 Order of Business

The order of business at regular meetings shall be as follows:

1. Roll call;
2. Call to order;
3. Approval of minutes;
4. Swearing-in of witnesses;
5. Hearing and consideration of each case;
6. Report from committees;
7. Unfinished business;
8. New business;
9. Adjournment.

The order of business may be varied by unanimous consent, or a motion and affirmative votes of the members present.

3.5 Time Limits

1. The Commission may limit the length of a meeting or set a time for adjournment by a concurring vote of a majority of the members.
2. The Commission may limit the time each person at a public hearing is allowed to speak by a concurring vote of a majority of its members.

3.6 Open Meetings

All regular and special meetings, public hearings, records, and minutes of the Commission shall be open to the public. The Town Clerk shall be notified of special meetings at least 72 hours prior to the meeting so a public notice may be made.

3.7 Agenda

The agenda for each regular or special meeting or public hearing shall be prepared by the Clerk to the Commission, after consultation with the Chairperson. The agenda for each meeting shall be mailed, electronically mailed (e-mail) or hand delivered to all members no later than seven (7) days prior to the scheduled meeting or hearing, except in the case of special meetings called under Section 3.2., in which the agenda will be delivered, by hand or electronically, or orally transmitted, as appropriate, to the members no later than forty-eight (48) hours prior to the scheduled meeting or hearing.

No business, either old or new, may be considered by the Commission unless such item properly appears on the agenda. However, any matter may be considered by the Commission as a non-agenda item if such matter is approved for consideration by a majority vote of the members present.

3.8 Attendance

A member who will be unable to attend the regular meeting of the Commission must contact the Chairperson or Clerk to the Commission at least twenty-four (24) hours before the scheduled meeting and indicate the general reason for being absent to receive an excused absence. Earlier notification is encouraged. Unforeseen emergencies or illnesses shall be considered excused absences. The Commission will be notified of the absence and reason at the meeting. The Alternate Member, should one be in place at the time of the absence, shall be contacted and asked to attend in place of the absent member. If the Alternate Member is unable to attend, and subject to Section 4.4.2 below, then the Commission shall carry out its business so long as a quorum is maintained for voting purposes.

Section 4: Conducting Business

4.1. Decisions

The vote of a majority of those members present shall be sufficient to decide any matter before the Commission, provided a quorum is present. No member shall be excused from voting except as required in Section 4.2. or Section 4.4. In all other cases, a failure to vote by a member who is physically present in the meeting room or who has withdrawn without being excused by a majority vote of the remaining members, shall be recorded as an affirmative vote. A negative vote or a tie vote on a motion to approve a Certificate of Appropriateness shall constitute a disapproval of the motion. Voting will be by roll call of the Commission members for decisions related to the issuance of Certificates of Appropriateness or for other business for which a roll call is deemed necessary by the Chairperson.

4.2. Qualifications to Vote

No Commission, to include the Alternate Member, shall vote on any matter before the Commission unless that member shall have attended the Commission's previous deliberations on such matter or shall otherwise have the approval of the Chairperson to vote on such matter. The Chairperson's approval shall be solely contingent on whether or not the member provides assurance that the member has read all materials distributed to the Commission members related to the matter and has reviewed the minutes and/or recordings of all meetings at which the matter was discussed.

4.3. Impartiality Required (Ex Parte Communication)

No Commission member shall, in any manner, discuss any application with any parties prior to the Commission's deliberations on such application, except as authorized in advance by the Chairperson; however, members may seek and/or receive information pertaining to the application from any other member of the Commission or its staff prior to the hearing.

4.4. Conflict of Interest

No Commission member shall take part in any hearing, consideration, determination or vote concerning a property in which the Commission member has had undisclosed ex parte communication regarding the case. No Commission member shall take part in any hearing, consideration, determination or vote concerning a property in which the Commission member or a close relative (spouse, sibling, child or parent):

- a. Is the applicant before the Commission;
- b. Owns property within 100 feet of the subject property; or
- c. Has a financial interest in the subject property or improvements to be undertaken thereon.

In addition, a Commission member may request to be excused from taking part in any hearing, consideration, determination or vote concerning a property in which a business associate or employer of

the Commission member:

- a. Is the applicant before the Commission;
- b. Owns property within 100 feet of the subject property; or
- c. Has a financial interest in the subject property or improvements to be undertaken thereon.

If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

4.5. Motions

The Commission shall proceed by motion. Any member, including the Chairperson, may make or second a motion. A motion may be withdrawn by the introducer at any time before a vote.

4.6. Debate

The Chairperson shall state the motion and then open the floor to debate on it. The member who makes the motion is entitled to speak first. A member who has not spoken on the issue shall be recognized before someone who has already spoken.

4.7 Minutes

The Commission shall keep permanent minutes of its meetings. The minutes shall include the attendance of its members and its resolutions, findings, recommendations, and other actions. The Clerk to the Commission shall be responsible for taking the minutes and submitting them to the Town Clerk for recordation.

Section 5: Amendments

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of a majority of the members of the Commission, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Section 6: Notification

In order to facilitate the exercise of the Commission authority and responsibility in promoting, enhancing and preserving the character and heritage of Carthage's historic resources, the Commission requests that the Town Planner notify the Commission of pending applications for zoning changes, use permits, variances and demolition permits, and proposed zoning text amendments or other proposals which affect historic resources in the Town of Carthage of architectural or cultural significance.

Section 7: Application for COA

All applications will be processed according to the requirements of the Unified Development Ordinance in effect at the time of application submittal.

Section 8: Public Hearings

8.1. Agenda and Case Report Mailed to Commission

The Clerk to the Commission shall compile an agenda and case report for each Certificate of

Appropriateness request. A meeting agenda and a staff report for each case will be mailed, emailed or hand delivered to the Commission members at least seven (7) days prior their regular meeting.

8.2 Public Hearings

The Commission shall conduct its public hearings as generally outlined below, except that the Chairperson may, at his or her discretion, amend the procedures as necessary for the expeditious conduct of the Commission's business. All public hearings of the Commission shall follow quasi-judicial procedures as prescribed in NCGS Chapter 160D-406 (reference NCGS 160D-947(c)).

- a. The Chairperson shall call the public hearing to order.
- b. The Chairperson shall acknowledge that the proceedings are being recorded and that written minutes of the meeting will be kept by the Clerk to the Commission.
- c. The Chairperson, Vice-Chairperson (if presiding) or Clerk to the Commission shall swear-in or affirm all witnesses.
- d. The staff shall present the case background and staff recommendation.
- e. The Commission shall receive testimony from persons in favor of the COA.
- f. The Commission shall receive testimony from persons opposed to the COA.
- g. The Chairperson may establish time limits for each side of the issue and for each individual speaker.
- h. Discussion of the case by Commission members.
- i. The Commission shall make findings of fact indicating the extent to which the application is or is not consistent with the historical character and qualities of the district.
- j. The Commission shall make its decision.
- k. The Commission shall state the effective date of approval of a COA for demolition if applicable.

Section 9: Review Criteria

9.1. Local Historic Districts

Certificates of Appropriateness applications for properties within a local historic district shall be reviewed against the appropriate sections of the Town of Carthage Historic Preservation Design Standards.

9.2. Local Historic Landmarks

Certificates of appropriateness applications for properties designated as local historic landmarks shall be reviewed against the corresponding section of the Town of Carthage Historic Preservation Design Standards.

Section 10: Issuance of the COA

10.1. Approval Stamp

Upon approval of the COA application by the Commission, the Town Planner shall denote with an inked rubber stamp the approval on the copy of the drawings submitted with the application. The Town Planner shall keep one (1) hard copy in its case record file and record one (1) copy with the Moore County GIS department (if necessary) and return one (1) digital or hard copy to the applicant.

10.2. Conditionally Approved COA

If changes are made to the drawings in an application as a result of conditions on the COA stipulated by the Commission, the applicant shall submit revised drawings incorporating the changes to the Town Planner. If the drawings conform to the conditions imposed by the Commission, the Town Planner shall denote approval with an inked rubber stamp and distribute copies as described in Section 10.1. The applicant may

not proceed under the COA until the modified drawings are approved pursuant to this section.

10.3. COA Expiration

The COA expires two (2) years from the date of issuance unless a building permit is issued and maintained active. Amendments to COAs shall have the same expiration date as the original COA.

Section 11: Appeals

11.1. Appeals Time Limit

In accordance with the Unified Development Ordinance, the Commission hereby establishes that appeals of the actions of the Commission in granting or denying any COA shall be filed with the Board of Adjustment within thirty (30) days of the day the applicant receives the Commission's written decision.

Section 12: Classification of Approvals

The following lists classify the types of approvals required for work in a local historic district or landmark. Classifications are based on the scope of work, project scale, and amount of deviation from historic materials and methods.

12.1. Normal Maintenance

Subject to the Unified Development Ordinance, the Commission considers the following activities to be routine maintenance of historic properties. The following activities do not require a Certificate of Appropriateness. However, other Town or County permits may be necessary.

For All Properties within the District, regardless of Historic Register Designation:

- a. All interior work as long as it has no exterior impact (window replacement is not considered interior work for these purposes)
- b. Minor repairs to windows, including caulking or reglazing and replacement of window glass as long as window size and style are not altered.
- c. Removal of cladding not original to the structure
- d. Minor repairs to doors, siding, trim, gutters, flooring, steps, fences, and walls, as long as the replacements match existing materials in scale, style, design, and materials.
- e. Selective masonry repointing and replacement, when matching historic materials in strength, type, unit size, mortar joint thickness and tooling profile, bond pattern, texture, finish, and color.
- f. Roofing, foundation, and chimney work, if no change in appearance occurs, replacement of roofing material with matching material.
- g. Removal of screen doors or storm doors.
- h. Caulking and weatherstripping
- i. Exterior painting of an originally painted surface, including when a change of color is proposed, as long as no pattern is painted, and the texture remains unchanged. This exception does not apply to painted signage.

- j. Replacement of existing mechanical equipment (including vents).
- k. Repairs to or repaving of flat, paved areas, such as driveways, walkways, and patios, if the material used is the same or similar in appearance.
- l. Installation of landscaping, including vegetable, flower, and rain gardens, shrubs, and trees, as well as landscape maintenance, including pruning trees and shrubs (but not including removal of landscaping required to screen mechanical equipment or utilities).
- m. Curb, gutter, and pavement work.
- n. Removal and/or replacement of street trees in the right-of-way, with review and approval by the necessary town department(s)
- o. Non-fixed elements (that can be moved without the use of heavy equipment) such as rain barrels, planters, dog houses, bird baths, and similar decorative or functional items
- p. Installation of solar panels not facing the street, so long as not attached to a character-defining roofing material (e.g., slate, terra cotta, traditional standing seam metal) and so long as panels are matte black in color or otherwise match the roof color and project no more than four inches above the finished roof surface; all associated equipment must be attached to the rear or side of the structure.

12.2. Work Requiring a Certificate of Appropriateness

a. Minor Works.

Certain activities are considered by the Commission to not have a significant impact on the exterior appearance of the historic structures and are delegated to the appropriate staff person for administrative approval.

b. Major Works.

Major Works consist of modifications which significantly alter the appearance of the structure or site. These projects are required to be reviewed by the Commission. The Commission shall hold public hearings for these cases.

c. Classification of Approvals by Scope of Work

The following chart indicates the level of approval required for various types of work.

(SEE APPENDIX A – Classification of Approvals by Scope of Work)

**Town of Carthage
Historic Preservation Commission**

Rules of Procedure

APPENDIX A

Classification of Approvals by Scope of Work

	Staff Approval	Commission Approval
Type of Work	Minor Work	Major Work
I. Architectural Work		
a. New Construction		
i. Installation of new pre-fabricated outbuilding or new structure 80 sq. ft. or less.	✓	
ii. New structure greater than 80 sq. ft. and less than 144 sq. ft.		✓
iii. New structure greater than 144 sq. ft.		✓
b. Relocation of Structures		
i. Outbuilding less than 144 sq. ft.	✓	
ii. Outbuilding greater than 144 sq. ft.		✓
iii. Primary structure		✓
c. Demolition		
i. Contributing primary structure		✓
ii. Non-contributing primary structure		✓
iii. Contributing outbuilding		✓
iv. Non-contributing outbuilding	✓	
d. Additions to Primary Structures		
i. Addition of substantial spaces such as rooms		✓
ii. Addition of front or side decks or porches		✓
iii. Addition of new rear decks or porches	✓	
e. Additions to Accessory Structures		
i. Addition to contributing accessory structure		✓
ii. Addition to non-contributing accessory structure	✓	
f. Windows and Doors		
i. Replacement of original windows and original street-facing doors on contributing structures		✓
ii. Replacement of non-original and non-contributing windows and doors, and non-street facing doors	✓	
iii. Modification or installation of window and door openings facing the street		✓
iv. Modification or installation of window and door openings <u>not</u> facing the street	✓	
v. Modification, installation, or replacement of storm windows or storm doors	✓	
vi. Alteration or new construction of storefronts within a historic district		✓
vii. Restoration of original window or door openings where doors and windows match original or existing	✓	

viii. Installation of window air conditioning units not visible from the street	✓	
g. Roofs		
i. Alteration of roof material	✓	
ii. Alteration of roof form (including alteration, removal, or construction of dormers)		✓
iii. Installation of skylights or solar panels visible on front facade of contributing structures	✓	
iv. Construction of new or modification of character-defining chimneys		✓
v. Installation of gutters	✓	
h. Other Building Alterations		
i. Alterations or construction of building elements (including columns, railings, stairs, landings, ramps and flooring)	✓	
ii. Alterations or construction of architectural details (including molding, brackets, or decorative woodwork)	✓	
iii. Change in original cladding material or style		✓
iv. Change in non-original cladding material or style	✓	
v. Painting of previously unpainted surface on contributing structure		✓
vi. Changes to any non-contributing outbuilding	✓	
vii. Building additions, porches, or other extant features		✓
viii. Character defining building elements or details without reconstruction		✓
ix. Non-character defining building elements or details without reconstruction	✓	
II. Site Work		
a. Parking areas		
i. New residential driveways or changes to existing residential driveways	✓	
ii. Changes to existing parking lots	✓	
iii. New surface parking lots	✓	
b. Non-Historic Fences or Walls	✓	
i. Alterations or removal of historical, designated fences or walls		✓
c. Planting or removal of trees and planting of shrubs in the street yard	✓	
d. Removal of canopy trees (greater than 12 inches DBH)	✓	
e. Light fixtures and poles (new or replacement)	✓	
f. Walkways, patios or other paving	✓	
g. ADA Compliance	✓	

i. Installation of ADA compliance updates (including ramps, etc.) where staff determines that the proposal will have a significant impact on the character of the structure		✓
ii. Installation of ADA compliance updates (including ramps, etc.) where staff determines that the proposal will <u>not</u> have a significant impact on the character of the structure	✓	
h. Installation, relocation, or removal of mechanical equipment	✓	
i. Additional site work or structure not described above	✓	
III. Signs		
a. Freestanding Signs		
i. New freestanding signs requiring a sign permit		✓
ii. New freestanding signs allowed without a sign permit	✓	
b. Building Mounted Signs		
i. New building-mounted signs greater than 24 sq. ft. in area		✓
ii. New building-mounted signs up to 24 sq. ft. in area	✓	
iii. New building mounted signs allowed without a sign permit	✓	
c. Replacement of signs with new ones to match the old in size and location	✓	
IV. Public Art Murals		
a. On a non-contributing structure	✓	
b. On a contributing structure		
i. Painting on a historically painted surface	✓	
ii. Painting on a previously unpainted non-historic material	✓	
iii. Painting on previously unpainted historic material		✓
c. On a landmark structure		✓
V. Streetscapes		
a. Modifications within the right-of-way deemed significant by staff		✓
b. Minor modifications within the right-of-way	✓	
c. Small-cell wireless installations (with or without new pole)	✓	
VI. Previously Approved COAs		
a. Renewal of Expired COA	✓	
b. Minor Amendments	✓	
c. Substantial amendments		✓
VII. Other		
a. Any project for which the State Historic Preservation Office and/or National Park Service have approved the scope of work through the historic rehabilitation tax credit program	✓	
b. Work items not listed here for which a clear citation can be made for conformance with the Carthage Historic Preservation Design Standards	✓	

c. Work items not listed here that are deemed by staff to be substantial in nature, precedent setting, not addressed by the Design Standards, or not in conformance with the criteria		✓
VIII. Emergency Installations/Repairs –		
Installation of temporary features to protect a historic resource that do not permanently alter the resource. Six-month duration with in-kind reconstruction or an approved COA.	✓	